IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.582 OF 2004
IN
SUMMARY SUIT NO.1582 OF 2004

Selvel Publicity and Consultants P.Ltd. .. Plaintiffs

Vs.

M/s.Melwyn Camara Promotions P.Ltd.Defendants

Mr.Rajan Kakkara for the plaintiffs

Mr.Joseph Kelwadi for the defendants

CORAM : S.U.KAMDAR, J
DATED : 31ST AUGUST, 2005

P.C.:

. The present suit is filed for the recovery of sum of Rs.2,20,973/-. The claim in the present suit arises out of written contract annexed as Ex.A to the plaint. By the said hoarding contract, the defendants hired two hoardings for the purpose of advertisement and the rate is fixed therein. The period for such hiring of the hoarding is also set out in the said contract. Defendants have raised the bills in respect of the said hoarding charges and the amount is claimed. Since the amount was

not paid defendants have issued notice and thereafter filed the present suit. Defendants have filed reply and has interalia raised the disputes in respect of the validity of the said contract. The letter dt.20.1.01 which is annexed at Ex. A to the reply indicates that the dispute raised is in respect of the name of the party as mentioned in the said contract and the charges should be quarterly or six monthly and the defendants asked the plaintiffs to correct the same. The learned counsel for the plaintiffs however contended that there no grievance was raised at the relevant time either pertaining to execution of the contract or rate for payment. In the present case, I do not find any dispute on the merits of the matter. However, I give an opportunity to the defendants to defend the suit, I direct the defendants to deposit a sum of Rs.2 lacs within 4 weeks from today. failing which plaintiffs will be entitled to decree. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3 years and then renew the same from time to time till further

orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.